

BILL HISTORY FOR ASSEMBLY BILL 328 (LRB-1897)

An Act to repeal 970.03 (12) (c) 2.; and to renumber and amend 970.03 (12) (c) 1. of the statutes; relating to: admitting certain police identification reports at preliminary examinations. (FE)

1999

05-06. A. Introduced by Representatives Riley, Stone, Klusman, Grothman, Albers, Goetsch and Powers ; cosponsored by Senators Burke, Roessler, Huelsman and Panzer .	
05-06. A. Read first time and referred to committee on Corrections and the Courts	164
05-20. A. Fiscal estimate received.	
06-03. A. Fiscal estimate received.	
06-22. A. Fiscal estimate received.	
08-17. A. Public hearing held.	
08-27. A. Fiscal estimate received.	
09-14. A. Executive action taken.	
09-21. A. Report passage recommended by committee on Corrections and the Courts, Ayes 9, Noes 0 ...	326
09-21. A. Referred to committee on Rules	326
11-04. A. Placed on calendar 11-10-1999 by committee on Rules.	
11-10. A. Read a second time	552
11-10. A. Ordered to a third reading	552

2000

01-25. A. Read a third time and passed	603
01-25. A. Ordered immediately messaged	603
01-26. S. Received from Assembly	396
01-26. S. Read first time and referred to committee on Judiciary and Consumer Affairs	396
03-07. S. Public hearing held.	
03-07. S. Executive action taken.	
03-09. S. Report concurrence recommended by committee on Judiciary and Consumer Affairs, Ayes 5, Noes 0	481
03-09. S. Available for scheduling.	
03-28. S. Read a second time.	
03-28. S. Ordered to a third reading.	
03-28. S. Rules suspended.	
03-28. S. Read a third time and concurred in .	
03-28. S. Ordered immediately messaged.	
03-28. A. Received from Senate concurred in.	

**1999
ENROLLED BILL**

99en AB-328

ADOPTED DOCUMENTS:

☒ **Orig** ☐ **Engr** **SubAmdt**

99 - 1897, 1

Amendments to above (if none, write "NONE"): None

Corrections - show date (if none, write "NONE"): None

Topic

Admitting certain police identification
reports at preliminary examinations

3/28/00
Date

Robert J. [Signature]
Enrolling Drafter

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1999 ASSEMBLY BILL 328

May 6, 1999 – Introduced by Representatives RILEY, STONE, KLUSMAN, GROTHMAN, ALBERS, GOETSCH and POWERS, cosponsored by Senators BURKE, ROESSLER, HUELSMAN and PANZER. Referred to Committee on Corrections and the Courts.

- 1 **AN ACT to repeal** 970.03 (12) (c) 2.; and **to renumber and amend** 970.03 (12)
- 2 (c) 1. of the statutes; **relating to:** admitting certain police identification reports
- 3 at preliminary examinations.

Analysis by the Legislative Reference Bureau

Under current law, a report of one of the state crime laboratories, the state laboratory of hygiene, a federal bureau of investigation laboratory, a hospital laboratory or a local health department must be admitted as evidence, if relevant, at a preliminary examination in a criminal action if the report is certified as correct by the applicable agency or unit head or his or her designee. The expert who made the findings in the report does not need to be called as a witness.

There is a different procedure, however, for latent fingerprint reports by the Milwaukee city police latent fingerprint identification unit. A latent fingerprint report must be received at the preliminary examination only if the state provides the defendant's attorney with a copy of the report at least 72 hours before the preliminary examination. Further, if the defendant so requests in a timely manner, the state must call the expert who prepared the report in order to have the report admitted.

This bill makes the procedure for admitting a latent fingerprint report by the Milwaukee city police latent fingerprint identification unit the same as the procedure for admitting reports from crime, hospital and health laboratories. Thus, under the bill, a latent fingerprint report by the Milwaukee city police latent fingerprint identification unit must be admitted in evidence, if relevant, at a

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preliminary examination in a criminal action if the report is certified as correct by the chief of police or his or her designee. The expert who made the findings in the report does not need to be called as a witness in order to have the report admitted.

For further information see the **state and local** fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 970.03 (12) (c) 1. of the statutes is renumbered 970.03 (12) (c) and amended to read:

970.03 (12) (c) ~~Except as provided in subd. 2., at~~ At any preliminary examination in Milwaukee county, a latent fingerprint report of the city of Milwaukee police department bureau of identification division's latent fingerprint identification unit, certified as correct by the police chief or a person designated by the police chief, shall, when offered by the state or the accused, be received as evidence of the facts and findings stated, if relevant. The expert who made the findings need not be called as a witness ~~except as provided in subd. 2.~~

SECTION 2. 970.03 (12) (c) 2. of the statutes is repealed.

SECTION 3. Initial applicability.

(1) This act first applies to preliminary examinations commencing on the effective date of this subsection.

(END)